



11-17-04

3713

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UNITED STATES PATENT AND TRADEMARK OFFICE  
Attorney Docket No. 15737US01

In the Application of:

SCOTT OLIVE

Serial No.: 09/462,717

Filed: April 10, 2000

For: SLOT MACHINE GAME AND  
SYSTEM WITH IMPROVED  
JACKPOT FEATURE

Examiner: Kim Nguyen

Group Art Unit No.: 3713

Confirmation No.: 5432

EV 436260697 US  
Express Mail No.

November 16, 2004  
Date

**TRANSMITTAL OF SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
AFTER APPLICATION FILING DATE**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner Nguyen:

Enclosed are the following: a completed PTO Form 1449 which has one page; copies of the three cited Australian patents; and copies of the Australian Surprise game literature.

## **REMARKS**

This submission is in no way intended as an admission that the above-cited references constitute prior art under any subsection of 35 U.S.C. § 102. Applicant expressly retains the right to take any actions necessary to remove the above-cited references from the available prior art.

Consideration of the above-identified references in the examination of the present patent application is respectfully requested.

The Surprise gaming machine advertisement advertises a game sold in Australia by Aristocrat prior to the date of invention of the claimed subject matter. The Surprise gaming machine randomly selects a number, for example a number between 100 and 200, to be stored but not displayed. Each coin inserted into the machine adds a certain percentage to a meter which starts at a value of 0 coins. When the meter reaches the random number amount, for example, 150, the prize is awarded. The meter is then reset to 0. Thus, the Surprise gaming machine randomly selects a dollar amount threshold upon which to award a prize. The pending claims of the present application are distinguishable from the Surprise gaming machine because, among other things, the progressive prize in the pending claims is not awarded when the progressive meter reaches a certain cash value.

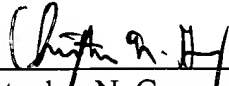
The document entitled “Surprise Software Specification for MV2030 – var 01”, a copy of which is included in this submission, describes a modification of the Surprise gaming machine. The Surprise Software Specification describes a method in which the range of a random number generator is changed during a game play based on a coin in amount (or wager amount) for that

game play. The Surprise Software Specification was developed prior to the date of invention of the claimed subject matter. The Surprise Software Specification, like the Torango '460 patent (U.S. Patent No. 6,592,460), changes the odds of winning by changing the range of the random number generator. That is, the Surprise Software Specification for MV2030 – var 01 (and the Torango '460 patent) changes the range of the random number generator during game play based on the wager made. The pending claims of the present application are distinguishable from the Surprise Software Specification and the Torango '460 patent because, among other things, the range of the random number generator in the pending claims does not change during game play.

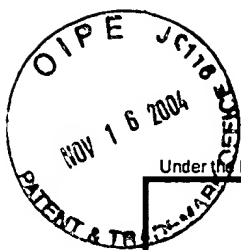
The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Account No. 13-0017.

Respectfully submitted,

November 16, 2004  
Date

  
\_\_\_\_\_  
Christopher N. George, Esq.  
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Attorney for Applicant

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/462,717
		Filing Date	April 10, 2000
		First Named Inventor	Scott Olive
		Group Art Unit	3713
		Examiner Name	Kim T. Nguyen
Total Number of Pages in This Submission	5+copies	Attorney Docket Number	15737US01

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> PTO 1449/08A with 11 references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) (        sheets) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Return-Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	McAndrews Held & Malloy, Ltd.
Signature	<i>Christopher N. George</i>
Date	November 16, 2004

**CERTIFICATE OF EXPRESS MAIL TRANSMITTAL**

I hereby certify that this correspondence is being sent via U.S. Express Mail Post Office to Addressee to the United States Patent and Trademark Office on November 16, 2004 with Express Mail No. EV 436260697 US.

Name (Print/type)	Christopher N. George	Registration No. (Attorney/Agent)	51,728
Signature	<i>Christopher N. George</i>	Date	November 16, 2004



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U.S. Patent and Trademark Office: U.S.



DEPARTMENT OF COMMERCE

1449A/PTO Rev. 10/95		U.S. Department of Commerce Patent and Trademark Office		Complete if Known	
<b>LIST OF PRIOR ART CITED BY APPLICANT</b> (use as many sheets as necessary)				Application Number	09/462,717
				Filing Date	April 10, 2000
				First Named Inventor	Olive
				Group Art Unit	3713
				Examiner Name	Kim Nguyen
Sheet 1		Of 1		Attorney Docket Number	15737US01

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
	1	4,652,998		Koza et al.	03-24-1987
	2	5,766,076		Pease et al.	06-16-1998
	3	5,885,158		Torango	03-23-1999

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Office <sup>3</sup>	Foreign Patent Document		Name of Patentee or Applicant of cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
			Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	4		AU 630,112		Tracy		
	5		AU 633,469		Bennett		
	6		AU 707,687		Harlick		

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, country, where published, source.	T <sup>2</sup>
	A	Surprize Gaming Machine Advertisement, Aristocrat Leisure Industries, Australia	
	B	“Surprize Software Specification for MV2030 – var 01”, Aristocrat Leisure Industries, Australia	
	C	U.S. Provisional Application No. 60/035,513 by Torango and Lannoy, filed 01-15-1997 and referenced by U.S. Patent Nos. 6,435,968, 6,241,608 and 6,592,460	
	D	U.S. Provisional Application No. 60/040,982 by Torango and Lannoy, filed 03-17-1997 and referenced by U.S. Patent Nos. 6,435,968, 6,241,608 and 6,592,460	
	E	U.S. Provisional Application No. 60/050,971 by Torango and Lannoy, filed 06-19-1997 and referenced by U.S. Patent Nos. 6,435,968, 6,241,608 and 6,592,460	
Examiner Signature			Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation not in conformance and not considered. Include copy of this form with next communication to applicant.